

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641DGC

**FIRST AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Mary Curtis

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Charles Curtis

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

West Virginia

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

West Virginia

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

West Virginia

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Southern District of West Virginia

8. Defendants (check Defendants against whom Complaint is made):

X C.R. Bard Inc.

X Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

X Diversity of Citizenship

Other:

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

□ Recovery® Vena Cava Filter

□ G2® Vena Cava Filter

X G2® Express (G2®X) Vena Cava Filter

Eclipse® Vena Cava Filter

Meridian® Vena Cava Filter

Denali® Vena Cava Filter

Other:

11. Date of Implantation as to each product:

December 2, 2009

12. Counts in the Master Complaint brought by Plaintiff(s):

- X Count I: Strict Products Liability – Manufacturing Defect
- X Count II: Strict Products Liability – Information Defect (Failure to Warn)
- X Count III: Strict Products Liability – Design Defect
- X Count IV: Negligence - Design
- X Count V: Negligence - Manufacture
- X Count VI: Negligence – Failure to Recall/Retrofit
- X Count VII: Negligence – Failure to Warn
- X Count VIII: Negligent Misrepresentation
- X Count IX: Negligence Per Se
- X Count X: Breach of Express Warranty
- X Count XI: Breach of Implied Warranty
- X Count XII: Fraudulent Misrepresentation

X Count XIII: Fraudulent Concealment

X Count XIV: Violations of Applicable West Virginia (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices

X Count XV: Loss of Consortium

□ Count XVI: Wrongful Death

□ Count XVII: Survival

X Punitive Damages

Other(s): _____ (please state the facts supporting this Count in the space immediately below)

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13. Jury Trial demanded for all issues so triable?

X Yes

□ No

1 RESPECTFULLY SUBMITTED this 27th day of February, 2019.

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19 Attorneys for the Plaintiff

20 I hereby certify that on this 27th day of February, 2019, I electronically
21 transmitted the attached document to the Clerk's Office using the CM/ECF System for
22 filing and transmittal of a Notice of Electronic Filing.

23 /s/ Monte Bond

24 /s/ Jessica Glitz